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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 10/722,183 Confirmation No. : 7018
Appellant : Robert Stanley Kolman, et al.
Filed : 11/24/2003
TC/A.U. : 2863
Examiner : Toan M. Le

Docket No. : 10030573-1

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This "Reply Brief" is submitted in response to the "Examiner's Answer" mailed January 7, 2009.

Argument

Claims 1-7, 10-16, 19 and 20 should not be rejected under 35 USC 103(a) as being unpatentable over Colby et al. (US Pat. No. 6,622,271; hereinafter “Colby”) in view of Gygi et al. (US Pub. Pat. App. No. 2003/0235156; hereinafter “Gygi”).

a. Claims 1, 6-13, 14, 15, 17 and 18

In response to appellants’ arguments for allowing claim 1, as presented in appellants’ Appeal Brief, the Examiner cites various excerpts of Colby and Gygi. The excerpts of Colby are cited in support of the Examiner’s assertion that “Colby teaches code to detect invalid test definition data in user input”. See, Examiner’s Answer, p. 9. The excerpts of Gygi are cited in support of the Examiner’s assertion that “Gygi teaches upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options”. See, Examiner’s Answer, p. 11. However, as argued in appellants’ Appeal Brief, none of the excerpts of Gygi cited by the Examiner disclose prompting a user ***upon detection of invalid test definition data***. Rather, Gygi prompts a user proactively, so as to *prevent* the input of invalid data. Colby, on the other hand, prompts a user to supply valid data, but does so without prompting a user to select from a set of valid data options.

Appellant believes there is no reason why one of ordinary skill in the art would have found it obvious to combine Gygi’s *preventive* method with Colby’s *curative* method. As such, appellants’ claim 1 is believed to be novel and nonobvious.

Claims 6-13 are believed allowable, at least, because they depend from claim 1.

Claims 14, 15, 17 and 18 are believed allowable, at least, for reasons similar to why claim 1 is believed allowable.

b. Claims 2-5, 16, 19 and 20

In response to appellants' arguments for allowing claim 2, as presented in appellants' Appeal Brief, the Examiner asserts that Gygi discloses the compilation of valid data options based on a context of invalid test definition data in paragraph [0048]. See, Examiner's Answer, p. 13. Appellants disagree. All that Gygi discloses is that a user may define permissible values (or ranges of permissible values). Gygi does not indicate that permissible values (or valid data options) may be compiled ***based on a context of invalid test definition data***. In fact, given Gygi's "preventive" approach, invalid test definition data is never even encountered.

Claim 2, and its dependent claims 3-5, are believed allowable for the above additional reason.

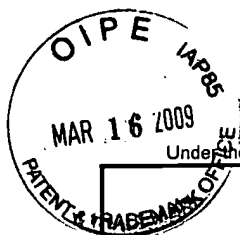
Claims 16, 19 and 20 are believed allowable for reasons similar to why claim 2 is believed allowable.

Conclusion

In summary, the art of record does not teach nor suggest the subject matter of appellants' claims 1-7, 10-16, 19 and 20. These claims are therefore believed to be allowable.

Respectfully submitted,
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